

ORDINANCE NO. 28595

**AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING
SECTIONS 24.02.340 AND 24.02.355 OF CHAPTER 24.02
TITLE 24 OF THE SAN JOSÉ MUNICIPAL CODE TO ALLOW
FOR THE FURTHER EXTENSION OF PLAN CHECKS AND
BUILDING PERMITS**

WHEREAS, on June 16, 2009, the Department of Planning, Building and Code Enforcement presented report demonstrating the need, based upon extraordinary financial circumstances, for further extension of plan checks and building permits that had been based on the prior edition of the California Building Code; and

WHEREAS, the City Council desires to provide relief to applicants and permittees that are undergoing financial difficulties in completing their projects by allowing for the extension of their plan checks and permits issued under the prior edition of the CBC by allowing for the possibility of the extension of those permits to a date no later than December 31, 2009; and

WHEREAS, this Ordinance was found to be categorically exempt from environmental review, per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, and Section 21.08.500 of the San José Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

Section 1. Section 24.02.345 of Chapter 24.02 of Title 24 of the San José Municipal Code is amended to read as follows:

24.02.345 Permit Time Extensions

- A. A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit, if the permittee can demonstrate that, for good and satisfactory reasons, it is not feasible to commence the work within the required time.
- B. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon payment of appropriate fees and a written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.
- C. Permits shall not be extended more than once, except that, the Building Official may approve a maximum of one additional extension of Three Hundred Sixty (360) days when the applicant demonstrates that special unusual circumstances exist. In this case, the Chief Building Official may require that additional fees be paid and plans be revised to partially or fully comply with the current codes.

- D. Permit time extension when there are multiple permits on a single project must comply with all of the following:
1. For the purpose of permit expiration, all permits associated with a single project (i.e., same address, suite, portion of building) will be considered as one project. If an inspection has been performed on any of the permits for the project, all permits will be considered to have been extended for an additional 180 days. However, no permit more than three years old may be extended by the extension of another permit on the same project.
 2. In order to extend a permit described in subsection 1, above, one of the permits must be extended subject to aforementioned limitations and payment of required fees. Additionally, an inspection indicating that the applicant has made substantial progress must be requested and performed on the permit that has been extended within 180 days, from the date of permit issuance.

Section 2. Section 24.02.355 of Chapter 24.02 of Title 24 of the San José Municipal Code is amended to read as follows:

24.02.355 Plan Check Renewals and Extensions

- A. All plan check submittals and approvals must be updated to meet this Title when the permit is issued one year or more after January 1, 2009.
- B. When a plan check submittal or approval has expired, then it must be resubmitted and appropriate fees paid for review for conformance with the current codes
- C. Plan Check Time Extensions for one-building projects must comply with the following.
1. A plan check submittal or approval may be extended one time for an additional 180 days by applicant making a written request to Building Official and paying appropriate fee.
 2. Plan check submittal or approval for one-building projects shall not be extended more than once, except that, the Building Official may approve an extension of not more than Three Hundred Sixty (360) days when the applicant demonstrates that circumstances beyond the control of applicant have prevented action from being taken. In this case, the Chief Building Official may require that additional fees be paid and plans be revised to partially or fully comply with the current codes.

- D. Plan Check Time Extensions for ongoing multi-building projects must comply with all of the following:
1. A plan check submittal or approval may be extended one time for an additional 180 days by applicant making written request to Building Official and paying appropriate fees.
 2. If a permit for at least one building has been issued, then the plan check approval is valid for 180 days from the latest permit issuance date, subject to the above limitations. The plan check approval may be extended for an additional Three Hundred Sixty (360) day period by applicant making a written request to Building Official and paying appropriate fees, subject to the above limitations.
 3. Plan check submittal or approval for multi-building projects shall not be extended more than once, except that, the Building Official may approve an extension of not more than Three Hundred Sixty (360) days when the applicant demonstrates that circumstances beyond the control of applicant have prevented action from being taken. In this case, the Building Official may require that additional fees be paid.

PASSED FOR PUBLICATION of title this 16th day of June, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NGUYEN.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk